

## JOURNAL OF THE HOUSE.

---

Thursday, September 15, 2005.

Met according to adjournment, at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

Gracious God, the Ultimate Source of Compassion and Truth, each day we place our trust and hope in You and Your ways as we carry out our daily legislative and personal responsibilities. Your assistance enables us to recognize and to address the many and varied needs and concerns of the people in the Commonwealth. In Your goodness, help us, in our diverse communities, to select those priorities and goals which best serve the current and future needs of people and our districts. While we may respectfully disagree, as citizens and legislators, on a large number of issues and public policies, we all agree that all voices must be heard and respected. Grant us the wisdom to deal with the new realities of this changing world.

Grant Your blessings to the Speaker, the members and employees of this House and and families. Amen.

Pledge of  
allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

### *Appointments to a Joint Special Committee.*

General Court,  
375th  
anniversary.

The Speaker announced the appointment of Representatives Rush of Boston (House Chairman), Rushing of Boston, Story of Amherst, Leary of Worcester, Lantigua of Lawrence and Peisch of Wellesley to the joint special committee established (under House order No. 4059 of 2005) relative to establishing a joint special committee for the purpose of planning for the celebration of the three hundred and seventy-fifth anniversary of the General Court.

The Speaker also announced that the Minority Leader had appointed Representative Frost of Auburn to said joint special committee.

### *Statement Concerning the Late Representative Coppola of Foxboro.*

During the session, Mr. Jones of North Reading addressed the House, there being no objection, concerning the late Representative Coppola of Foxboro; and his remarks were spread upon the records of the House, on motion of Ms. Rogeness of Longmeadow, as follows:

Statement  
concerning  
the late  
Representative  
Coppola of  
Foxboro.

MR. SPEAKER: I would like to share with the House a letter which was written by Virginia "Ginny" M. Coppola, wife of the late Representative Michael J. Coppola, extending her thanks to the members and staff of the House of Representatives. It reads as follows:

Dear Brad,

Please extend my thanks to the House membership and the House staff for their kind expressions of sympathy in regard to the recent death of my husband, State Representative Michael Coppola. The support that I received was overwhelming and much appreciated.

From the time of Mike's diagnosis and throughout his treatments and hospitalizations, everyone at the State House was kind, accommodating and compassionate. Mike could not have had a more supportive environment. At every turn he was always asked how he was doing and if he needed any assistance in any way. He was very grateful for and moved by the concern shown on his behalf.

Michael truly enjoyed every minute on The Hill. At times he would remark on his good fortune by saying to me with enthusiasm and still a bit of surprise, "Hey, Gin, I'm a State Rep!". I found a newspaper article that quoted him as saying, "... I still get a thrill driving up this hill. I never thought that I'd be in the position of a state representative.". He was proud to be "a Member of the Club" and spoke fondly to me about his colleagues. Please know that you all helped him through his ordeal.

However, more importantly, it was a privilege for Mike to represent the people of the First Bristol District and be a part of the historical record of the House. He was proud to serve the town of Foxborough and his precincts in the towns of Mansfield and Norton. He was thankful for the support of his constituents and tried to do his best for them.

Thank you for honoring my husband through your cards, flowers, and attendance at his wake and funeral. I am deeply appreciative of the depth of your concern, support and sympathy and will forever be grateful.

Very Truly Yours,

Ginny,  
VIRGINIA M. COPPOLA.

*Statement Concerning Representative Connolly of Everett.*

A statement of Mr. Rogers of Norwood concerning Mr. Connolly of Everett was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Connolly of Everett, will not be present in the House Chamber for today's sitting due to recovering from emergency surgery. Any roll calls that he may miss today is due entirely to the reason stated.

Statement  
concerning  
Representative  
Connolly of  
Everett.

*Statement Concerning Representative Kennedy of Brockton.*

A statement of Mr. Rogers of Norwood concerning Mr. Kennedy of Brockton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kennedy of Brockton, will not be present in the House Chamber for today's sitting due to

Statement  
concerning  
Representative  
Kennedy of  
Brockton.

his hospitalization. Any roll calls that he may miss today will be due entirely to the reason stated.

*Statement of Representative Vallee of Franklin.*

A statement of Mr. Vallee of Franklin was spread upon the records of the House, as follows:

Statement of  
Representative  
Vallee of  
Franklin.

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for a 30-day period beginning on Monday next due to being activated by the National Guard to assist in the recovery efforts in Baton Rouge, Louisiana, as a result of the recent disaster caused by Hurricane Katrina. Any roll calls that I may miss during that period of time will be due entirely to the reason stated.

*Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

George N.  
Leighton.

Resolutions (filed by Mr. Cabral of New Bedford) dedication of the United States Postal Service Building to the Honorable Judge George N. Leighton;

Carl Frank  
Desberg.

Resolutions (filed by Mr. Kafka of Stoughton) congratulating Carl Frank Desberg on receiving the Eagle Award of the Boy Scouts of America;

Boston  
College.

Resolutions (filed by Messrs. Moran of Boston, Honan of Boston and Falzone of Saugus) congratulating Boston College on the occasion of its entry into the Atlantic Coast Conference;

Roseanne  
DiStefano.

Resolutions (filed by Mr. Torrisi of North Andover and other members of the House) congratulating Roseanne DiStefano on receiving the St. Marguerite D'Youville Pilgrimage of Love Award from the Mary Immaculate Health/Care Services;

Independent  
Christian  
Church.

Resolutions (filed by Mr. Verga of Gloucester) recognizing the bicentennial of the Meeting House of the Independent Christian Church, Unitarian Universalist, of Gloucester;

POW/MIA  
Recognition  
Day.

Resolutions (filed by Mr. Verga of Gloucester and other members of the House) to commemorate National POW/MIA Recognition Day; and

4-H  
Foundation.

Resolutions (filed by Mrs. Walrath of Stow) recognizing the work of the Massachusetts 4-H Foundation, Inc.;

Mrs. Parente of Milford, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. O'Brien of Kingston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Petitions.*

Burlington,  
fees.

Mr. Murphy of Burlington presented a petition (accompanied by bill, House, No. 4360) of Charles A. Murphy and Robert A. Havern (by vote of the town) relative to the charging of a fee for records in the town of Burlington; and the same was referred to the committee

on Municipalities and Regional Government. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Binienda of Worcester, petition (subject to Joint Rule 12) of John J. Binienda and others for legislation relative to creditable service for Rosemarie Carelli, an employee of the Trial Court.

Rosemarie  
Carelli.

By Mr. Costello of Newburyport (by request), petition (subject to Joint Rule 12) of James Thivierge relative to tax abatements for home exercise rooms.

Home  
exercise  
rooms.

By the same member (by request), petition (subject to Joint Rule 12) of James Thivierge relative to revenue and tax deductions for health care related equipment.

Health  
care  
equipment.

By the same member, petition (subject to Joint Rule 12) of Michael A. Costello and Steven A. Baddour for legislation to authorize the Department of Revenue to establish a sick leave bank for Maureen Quinney, an employee of said department.

Maureen  
Quinney,  
sick leave  
bank.

By Mr. Fallon of Malden, petition (subject to Joint Rule 12) of Christopher G. Fallon relative to pit bullterriers.

Pit bull-  
terriers.

By the same member, petition (subject to Joint Rule 12) of Christopher G. Fallon relative to the Commissioner of Civil Service.

Civil service  
rules.

By the same member, petition (subject to Joint Rule 12) of Christopher G. Fallon relative to the membership of the civil service commission.

Civil service  
commission.

By Mr. Fresolo of Worcester, petition (subject to Joint Rule 12) of John P. Fresolo for legislation to establish a sick leave bank for John Lavoie, an employee of the Department of Corrections.

John Lavoie,  
sick leave  
bank.

By Mr. Hill of Ipswich, petition (subject to Joint Rule 12) of Bradford Hill and others relative to the indictment, trial, conviction and execution of Elizabeth Jackson Howe for "witchcraft" in the year sixteen hundred and ninety-two.

Witchcraft,  
trials.

By Ms. Kaprielian of Watertown, petition (subject to Joint Rule 12) of Rachel Kaprielian and Steven A. Tolman that the Teachers' Retirement Board be authorized to grant creditable service to Keward Kazanjian.

Edward  
Kazanjian.

By Ms. Malia of Boston, petition (subject to Joint Rule 12) of Dianne Wilkerson and others relative to designating a certain parcel of land in the city of Boston as the Frank Jordan Memorial Rose Garden.

Frank  
Jordan  
garden.

By Mr. Koutoujian of Waltham, petition (subject to Joint Rule 12) of Anne M. Paulsen and others relative to air quality in schools and public buildings.

Schools  
and public  
buildings.

By Mr. Pedone of Worcester, petition (subject to Joint Rule 12) of Vincent A. Pedone relative to formatting standards within the Worcester Register of Deeds.

Worcester  
Deeds  
Registry.

By Mrs. Poirier of North Attleborough, petition (subject to Joint Rule 12) of Elizabeth Poirier and others relative to establishing a tax exemption from the motor vehicle excise tax for certain members of the Armed Forces.

Motor vehicle  
excise,  
exemption.

By Mr. Vallee of Franklin (by request), petition (subject to Joint Rule 12) of Douglas Flavin relative to regulating public toilets.

Public  
toilets.

Severally, under Rule 24, to the committee on Rules.

*Papers from the Senate.*

Westborough-  
Shrewsbury,  
wastewater  
treatment.

A Bill relative to the towns of Westborough and Shrewsbury treatment of wastewater (printed as House, No. 4199) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Ms. Polito of Shrewsbury, the bill was read a second time forthwith; and it was ordered to a third reading.

M W R A ,  
Quincy  
land.

A petition of Michael W. Morrissey and Ronald Mariano for legislation relative to the sale of land in Quincy by the Massachusetts Water Resource Authority, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Bonding, Capital Expenditures and State Assets.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2190) was referred, in concurrence, to the committee on Bonding, Capital Expenditures and State Assets.

*Reports of Committees.*

Assisted  
living.

By Mr. Correia of Fall River, for the committee on Elder Affairs, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3881) of A. Stephen Tobin and Robert J. Nyman relative to assisted living for patients with Alzheimer's disease,— and recommending that the same be referred to the committee on Public Health. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Environmental  
study.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on House, Nos. 1306 and 1309, an Order relative to authorizing the committee on Environment, Natural Resources and Agriculture to make an investigation and study concerning environmental issues (House, No. 4361). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported asking to be discharged from further consideration of said order; and recommending that the same be referred to the House committee on Rules.

Under Rule 42, the report was considered forthwith; and it was accepted.

Parks,  
operation.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to the construction, operation and maintenance of parks in the Commonwealth (House, No. 1304). Read; and referred, under Joint Rule 1F, to the committee on Bonding, Capital Expenditures and State Assets.

By Mr. Koutoujian of Waltham, for the committee on Public Health, on House, No. 2696, a Bill relative to public health in the Commonwealth (House, No. 4363). Read; and referred, under Joint Rule 1E, to the committee on Health Care Financing.

Public  
health.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on House, No. 1399, a Bill relative to abandoned vessels (House, No. 4362). Read; and referred, under Rule 33, to the committee on Ways and Means.

Abandoned  
vessels.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to State Forestry Committee (House, No. 1307).

State  
Forestry  
Committee.

By the same member, for the same committee, on House, No. 4146, a Bill relative to construction of sewer system extensions in the town of Concord (House, No. 4364) [Local Approval Received].

Concord,  
sewer  
system.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

#### *Engrossed Bills.*

##### Engrossed bills

Relative to the financial conditions in the Chesterfield Goshen Regional School District (see House, No. 2603, changed);

Bills  
enacted.

Amending the charter of the city of Chicopee (see House, No. 4117); and

Providing for an affordable housing trust fund in the town of Hamilton (see House, No. 4136);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

#### *Orders of the Day.*

The House Bill establishing a traffic commission in the city of Woburn (House, No. 4063), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Third  
reading  
bill.

##### Senate bills

Authorizing certain municipal borrowing for underground utility construction (Senate, No. 1192); and

Second  
reading  
bills.

Providing for alternative members on the community development board of the city of Methuen (Senate, No. 2021); and

##### House bills

To increase the amount of benefit to children who are survivors in the case of an accidental death benefit under the provisions of Chapter 32 (House, No. 13); and

Providing for a change in parliamentary rules in the town of Oxford charter from Demeter's Manual of Parliamentary Law and Procedure to Robert's Rules of Order (House, No. 4237);

Severally were read a second time; and they were ordered to a third reading.

Second reading  
bill engrossed.

The Senate Bill eliminating maintenance and capital investment funds in the city of Newburyport (Senate, No. 2135) was read a second time; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Costello of Newburyport, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence.

House  
reports.

#### House reports

Of the committee on Public Service, ought NOT to pass, on the petition (accompanied by bill, House, No. 149) of Kathi-Anne Rein-stein relative to providing smoking cessation programs for certain police officers and fire fighters;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 172) of Martin J. Walsh and Brian P. Wallace relative to promotional exams for employees of fire alarm divisions;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 330) of Paul C. Casey relative to the promotion of certain commissioned officers of the Department of State Police;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 370) of John P. Fresolo and others for legislation to regulate the suspension of police officers charged with misconduct during the performance of duty;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 371) of John P. Fresolo and others relative to the age requirements of municipal police officers and fire fighters;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 376) of John P. Fresolo and others for legislation to prohibit the surveillance of certain public officials by private investigators;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 510) of Ronald Mariano for legis-lation to further regulate the eligibility requirements for applicants for civil service positions; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 555) of Todd M. Smola and Reed V. Hillman relative to the restoration to service of a member of a fire department;

Severally were accepted.

#### *Recess.*

Recess.

At seventeen minutes after eleven o'clock A.M., on motion of Mr. Linsky of Natick (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at eight minutes after one o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

*Orders of the Day.*

The House Bill relative to renewable energy (House, No. 1669) was read a second time; and it was ordered to a third reading.

The engrossed Bill relative to federal reimbursement services for children with Autism (see House, No. 4177) which had been returned by Her Honor the Lieutenant-Governor, Acting Governor, with recommendation of amendment (for message, see House, No. 4330), was considered.

Renewable  
energy.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Acting Governor be considered in the following form:

Special  
education  
services.

In section 1, in lines 1 and 2 (as printed), by striking out the following: “, within 3 months of the effective date of this act,”.

The report was accepted.

The amendment recommended by the Acting Governor then was rejected. Sent to the Senate for its action.

The House Bill establishing the Massachusetts principal and income act (House, No. 760), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Principal  
and income  
act.

After remarks on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. O’Flaherty of Chelsea; and on the roll call 154 members voted in the affirmative and 0 in the negative.

Bill passed  
to be  
engrossed,  
yea and nay  
No. 175.

**[See Yea and Nay No. 175 in Supplement.]**

[Mr. Hargraves of Groton answered “Present” in response to his name.]

Therefore the bill (House, No. 760) was passed to be engrossed. Sent to the Senate for concurrence.

The engrossed Bill relative to car rental transactions in the city of Revere (see House, No. 4180, amended), which had been returned by Her Honor the Lieutenant-Governor, Acting Governor, with her objections thereto in writing (for message, see House, No. 4300), was considered.

Revere,  
car rental  
transactions.

After debate the question on passing the bill, notwithstanding the said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 134 voted in the affirmative and 21 in the negative.

Bill passed  
over veto,  
yea and nay  
No. 176.

**[See Yea and Nay No. 176 in Supplement.]**

Therefore the bill was passed, notwithstanding the objections of the Acting Governor (more than two thirds of the members having agreed to pass the same). Sent to the Senate for its action.

*Recess.*

At the hour of two o’clock P.M., on motion of Mr. Rushing of Boston (Mr. Petrolati of Ludlow being in the Chair), the House recessed until half past two o’clock; and at twenty-two minutes before three o’clock the House was called to order with Mr. Petrolati in the Chair.

Recess.



*Quorum.*

Quorum.

Mr. Jones of North Reading thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,  
yea and nay  
No. 177.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 151 members were recorded as being in attendance.

**[See Yea and Nay No. 177 in Supplement.]**

Therefore a quorum was present.

*Papers from the Senate.*

Vocational  
teachers,  
retirement.

The engrossed Bill relative to creditable service for vocational education teachers (see Senate, No. 2057), which had been returned to the Senate by the Governor with his objections thereto in writing (for message, see Senate, No. 2185) came from said branch with the endorsement that it had passed said bill, notwithstanding the said objections.

Bill passed  
over veto,  
yea and nay  
No. 178.

The question on passing the bill, in concurrence, notwithstanding the said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 155 voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 178 in Supplement.]**

Therefore the bill was passed, in concurrence, notwithstanding the objections of the Governor (more than two thirds of the members having agreed to pass the same).

Emergency  
contraception.

The engrossed Bill providing timely access to emergency contraception (see Senate, No. 2073, amended), which had been returned to the Senate by His Excellency the Governor, with his objections thereto in writing (for message, see Senate, No. 2170) came from said branch with the endorsement that it had passed said bill, notwithstanding the said objections.

Bill passed  
over veto,  
yea and nay  
No. 179.

The question on passing the bill, in concurrence, notwithstanding the said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 139 voted in the affirmative and 16 in the negative.

**[See Yea and Nay No. 179 in Supplement.]**

Therefore the bill was passed, in concurrence, notwithstanding the objections of the Governor (more than two thirds of the members having agreed to pass the same).

*Order.*

Next  
sitting.

On motion of Mr. DiMasi of Boston,—

*Ordered*, That when the House adjourns today, it adjourn to meet on Monday at eleven o'clock A.M.

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THURSDAY, SEPTEMBER 15, 2005.

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Mr. Rogers of Norwood then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at the hour of three o'clock P.M. (Mr. Petrolati of Ludlow being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.